

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 25365 of 2001

Between:

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager, Secunderabad Division, Sanchalan Bhawan, Secunderabad.
3. The Manager (P&S), S.C.Railway Printing Press, Secunderabad.

..... PETITIONERS

AND

Syed Tahooruddin S/o.Syed Ghousuddin, H.No.22-5-364, Kalikaman, Fathe-ullah Baiag's Lane, Jubilee (P.O), Hyderabad-500 002.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction particularly one in the nature of certiorari declaring the judgment dated 22-6-2001 in O.A.No.220/2001 on the file of Central Administrative Tribunal/Hyderabad Bench as bad, illegal and void and quash the same.

Counsel for the Petitioner:MR.R.S.MURTHY

Counsel for the sole Respondent.: MR.S.LAKSHMA REDDY

The Court made the following :

ORDER:

The writ petition is filed assailing the order passed by the A.P.Administrative Tribunal, Hyderabad in O.A.No.220 of 2001, dated 22-6-2001.

2 .The order of the Tribunal is to a very limited extent. The O.A. filed by the respondent was dismissed. The Tribunal gave further directions in Para No.18 of the order, which reads thus:-

“The other benefits, if the applicant is entitled to viz., gratuity and other benefits will have to be paid to the applicant. It is made clear that the applicant is, however, entitled for pension since he had completed 10 years of service on prorata basis under Para 623 of Railway (Pension) Rules, 1950, which has to be considered by the Railways and the same may be paid as early as possible.”

3. The said direction came to be challenged before this Court.

4. The learned counsel for South Central Railways submits that the matter relates to gratuity and pension. Rule 623 of Railway Pension Rules, 1950 can never be claimed by the employee. Therefore, granting such a direction is beyond the jurisdiction of the Tribunal and therefore, the order of the Tribunal is liable to be set aside.

5. We have heard the learned counsel for the respondent also.

6. Inasmuch as the relief for which, the respondent is entitled to, was granted in accordance with the rules and the only direction was given to the Railway Authorities to consider the case of the respondent in that respect.

7. Under those circumstances, we do not find any ground to interfere with the order

of the Tribunal. However, the Railway authorities shall consider the claim of the respondent in pursuance of the directions issued in Para No.18 of the order of the Tribunal and pass appropriate orders and communicate the same to the respondent.

8. The writ petition is dismissed. No costs.

(G.BIKSHAPATHY, J)

(P.S.NARAYANA, J)

Dated 12th April, 2005.

mrbb

To

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager, Secunderabad Division, Sanchalan Bhawan, Secunderabad.
3. The Manager (P&S), S.C.Railway Printing Press, Secunderabad.
4. Two CD copies.

relief and also pension under Para 623 of Railway (Pension Rules, 1950 never claimed by the employee. Therefore, according to the said direction is beyond the jurisdiction passed by the Tribunal and therefore, to that extent Para No.18.

We have heard the learned counsel for the petitioner and the learned standing counsel for Railways, inasmuch as the relief to which the petitioner would be entitled _____the direction was only may be consider by the respondents.

Under those circumstances, the writ petition is dismissed, however, the Railway shall consider the claim in pursuance of directions issued in Para No.18 of the order and the petitioner is not entitled and appropriate orders shall be passed and communicate the same.